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MEMBER: N.Y. & N.J. BAR

February 18, 2022

Via email & ECF
Honorable Laura Taylor Swain
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

Re: **United States v. David Georgescu, 19-Cr.-651 (LTS)**

Dear Judge Swain:

I write with a short update to the Court on Mr. Georgescu's medical treatment. As the Court will no doubt recall, on February 15, 2022, MDC medical staff¹ informed Mr. Georgescu that if his condition did not improve by Friday (i.e., today), he would be taken to a hospital.

It has not improved and he has not been taken to a hospital. We truly believe his life is in danger.

The circumstances of his treatment, as relayed to the Defense² today with the assistance of an interpreter, would be ridiculous, were they not so dangerous. Mr. Georgescu is being treated with Prednisone, a corticosteroid; with an antibiotic; and with a vitamin D supplement.³ As he recalls, the Prednisone was originally prescribed to treat a rash on his scalp and face that was assumed to be psoriasis. However, the rash did not improve. To the contrary, it became much worse, with

¹ In our prior letter, we represented to the Court that this information was conveyed by a doctor. Today Mr. Georgescu corrected us with the aid of the interpreter. It was a nurse practitioner. He has still never been seen by an actual, licensed medical doctor. We apologize for the error.

² Because I was unavailable to take today's call due to a pre-existing obligation, Ms. Kalhous, the associate on the case, handled the call with the aid of a Romanian interpreter. Ms. Kalhous is fully familiar with the facts of this case and with the medical treatment – or lack of treatment – provided to Mr. Georgescu.

³ The Defense does not have, and consequently has not reviewed, medical records beyond those provided by the Government on February 11th. The discussion herein is based on Mr. Georgescu's firsthand experience.

raised, pus-filled blisters the size of a quarter, including one between his right ear and eye. Nonetheless, MDC continued to prescribe Prednisone.

Today Mr. Georgescu related that on Thursday (February 17), he experienced difficulty breathing and a complete inability to speak. His blood pressure, based on his own observation, was extremely elevated. The blisters have not decreased. He still cannot see out of his right eye. Mr. Georgescu made his condition known to the medical technician who came to give out medications and was told that someone would come to check his blood pressure.

No one came.

He experienced severe pain, for which he was given no painkillers. He treated himself with Tylenol that he had previously purchased from the commissary.

Mr. Georgescu, then, on his own, was able to do some research about Prednisone. He learned that some of its known side effects include impaired breathing, rash, and hives.⁴ Mr. Georgescu showed the result of his research to the nurse practitioner who came to give out medications today. She reviewed the material and, surprised, agreed with him that perhaps he was experiencing an allergic reaction to Prednisone. However, she did not give him anything else—she merely decreased the dosage of Prednisone that she gave him along with his vitamin D supplement.

We need not stress to the Court the absolutely farcical nature of this interaction: a trained engineer and auto mechanic instructing a nurse on the side effects of the medication that she is administering.

But it is beyond farce. It is outrageous. MDC's level of care is simply abysmal. An animal would receive better treatment than that which has been provided to Mr. Georgescu. The injunction to "First, do no harm," is dishonored every day in the "care" provided to the inmates in the custody of the Bureau of Prisons.

We are gravely concerned for Mr. Georgescu's health, indeed, for his life, if he is not taken to a hospital immediately.⁵ Accordingly, we respectfully ask the Court—we beg Your Honor—to Order that Mr. Georgescu be taken from MDC to a hospital for medical treatment immediately.

⁴ See "Prednisone," at <https://medlineplus.gov/druginfo/meds/a601102.html#side-effects> (listing "irregular heartbeat," "shortness of breath, especially during the night," "difficulty breathing or swallowing," "rash," "hives," and "swelling" as possible serious side effects of Prednisone and instructing that if one experiences such side effects, one should "call your doctor immediately" as they "can be serious.")

⁵ The Defense delayed filing this letter for several hours because Mr. Georgescu informed us that he had not yet been seen by medical today and that, if he was indeed taken to a hospital, he would attempt to contact us through the inmate email system to make us aware of this development. However, as we have not yet heard from him, we can only assume that he is still suffering at MDC.

If he is not, and we cannot talk to him until Tuesday due to the holiday weekend, it may be too late.

I thank the Court for its attention to this matter.

Respectfully,
_____/s/_____
Donna R. Newman

Cc: All counsel (via ECF)

The MDC is hereby ordered to provide Mr. Georgescu with immediate medical attention by a licensed physician, either at the facility or a hospital Emergency Department, and make a status report through the United States Attorney's Office, to be filed on the docket and emailed to defense counsel and the Court by 2:00 p.m. on Saturday February 19, 2022. The Government is directed to provide a copy of this endorsed order to the MDC immediately.

SO ORDERED.

2/18/2022

/s/ Laura Taylor Swain, Chief USDJ